

Remarks

This Amendment is in response to the Office Action of December 20, 2002, wherein the Examiner rejected claims 1-20, all claims in the application.

The Examiner first objected to the specification over an informality which has been corrected above in the specification.

The Examiner next rejected claim 1 as being anticipated by *Klee*, U.S. Patent 3,828,952. Applicants have amended claim 1 to describe the towers as having "a clearance distance between said towers being greater at bottoms of said towers than at tops of said towers." The towers in *Klee* appear to have straight vertical inside surfaces, i.e., the clearance distance between the towers would be substantially constant. One of the benefits of the tower shaping of the present invention is the ability for an operator to see past the outside of the towers at the top area of the towers and to see between the towers and the hood at the bottom area of the towers. Such an advantage is not even relevant to the straight towers of *Klee*, since an operator sitting in the small vehicle in *Klee* sits in *front* of the towers.

Applicants request withdrawal of this rejection. No new issues are presented by this amendment.

The Examiner next rejected claim 1 and 5 over German Patent 1248551. Similar to *Klee*, the towers in this German patent appear to have straight vertical inside surfaces, i.e., the clearance distance between the towers would be substantially constant. The ability for an operator to see past the outside of the towers at the top area of the towers and to see between the towers at the bottom area of the towers is not afforded by the straight towers of this German patent.

The Examiner next rejected claims 8 and 9 under 35 USC 103 (a) as being unpatentable over *Moe* in view of *Fuzzen* and *Schupback*. The Examiner relies on *Schupback* for the teaching of the claimed shaping of the boom arms. The earliest filing date of this patent is the related U.S. application 60/259,044 filed on December 29, 2000. Applicants attach a Rule 131 affidavit to swear behind this reference. Applicants have a reduction to practice at least as of February 26, 2000.

Applicants request withdrawal of this rejection. No new issues are presented.

The Examiner next objected to claims 6 and 7, but indicated that claims 6 and 7 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. Applicants have complied with the Examiner's instructions and as such these claims should all be in condition for allowance.

The Examiner next indicated the allowance of claims 2-4 and 10-20. Applicants acknowledge this allowance with appreciation. Claim 11 has been corrected for grammatical clarity.

Applicants assert that all claims are now in condition for allowance.

Respectfully submitted,

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